

Message Text

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14

ORIGIN SCSE-00

INFO OCT-01 ISO-00 CG-00 ARA-10 DOTE-00 L-03 DHA-02 EB-07

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FM SECSTATE WASHDC

TO AMEMBASSY SAN JOSE PRIORITY

UNCLAS STATE 086732

E.O. 11652: N/A

TAGS: CGEN, SEAMAN AND SHIPPING

SUBJECT: DISCHARGE OF CREW OF PEDRO POINT

REF: SAN JOSE 1551

1. USCG RECORDS SHOW THE PEDRO POINT WAS BUILT IN 1908, IS 52 FT. LONG, WEIGHTS 17 GROSS TONS AND IS REGISTERED IN U.S. AS A TOWING VESSEL.

2. RE PARA 4 OF REFTTEL, THERE IS NO INTERNATIONAL MARITIME LAW THAT REQUIRES THAT OWNER REPATRIATE U.S.CREW TO U.S. HOWEVER, IT IS RECOGNIZED INTERNATIONAL MARITIME PRACTICE FOR A VESSEL OWNER TO BE RESPONSIBLE FOR THE CREW'S RETURN TO THE PORT WHERE THE VOYAGE ORIGINATED. SHIPPING ARTICLES ARE REQUIRED FOR THIS TYPE VESSEL PRIOR TO DEPARTURE FROM THE U.S. ARTICLES WOULD HAVE REQUIRED THE CREWS RETURN, AT OWNER'S EXPENSE, TO THE U.S. IN VIEW LACK OF ARTICLES A CLEAR LEGAL OBLIGATION MAY BE LACKING. SEE 46 US CODE, SECTIONS 564 AND 565. HOWEVER, IT IS CLEARLY THE INTENT OF THE CODE AND THE IMPLEMENTING UNCLASSIFIED

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REGULATIONS TO OBLIGATE THE OWNER OF A U.S. REGISTERED

VESSEL TO REPATRIATE THE VESSEL'S CREW TO THE U.S. AND
AVOID SITUATIONS LIKE THIS ONE.

3. VESSEL ALSO NEGLECTED TO CLEAR CUSTOMS PRIOR TO
LEAVING THE U.S. ON A FOREIGN VOYAGE, AS IS REQUIRED.
VESSEL IS STILL REQUIRED TO HAVE AN AMERICAN CITIZEN
MASTER, ALTHOUGH HE MAY BE UNLICENSED IF THE VESSEL
ENGAGES IN CERTAIN TYPES OF OPERATIONS. IF AMICABLE
SOLUTION NOT REACHED, SEAMEN MAY HAVE BASIS FOR LEGAL
ACTION AGAINST OWNER AND OR MASTER, EITHER IN LOCAL OR
U.S. COURT.

4 ON BASIS INFORMATION PROVIDED, DEPARTMENT HOPES EMBASSY
HAS ENOUGH INFORMATION TO GUIDE PARTIES TO A SOLUTION
PROVIDING FOR CREWS RETURN TO THE U.S. KISSINGER

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TAGS: CGEN, CASC, CS, US
To: SAN JOSE
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